

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

WE THE PATRIOTS USA, INC,
DENNIS SMITH,

Plaintiffs,

v.

MICHELLE LUJAN GRISHAM,
in her official capacity only, PATRICK
M. ALLEN, in his official capacity only,
JASON R. BOWIE, in his official
capacity only, TROY WEISLER, in his
official capacity only, HAROLD
MEDINA, in his official capacity only,

Defendants.

DKT No.: 1:23-cv-00773-DHU-LF

OCTOBER 20, 2023

PLAINTIFFS' EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL
(RELIEF REQUESTED BY 5:00 PM, OCTOBER 23, 2023)

Pursuant to Fed. R. App. P. 8(a)(1), the Plaintiffs – We The Patriots USA, Inc. and Dennis Smith, hereby respectfully move the Court to issue an emergency injunction pending the Plaintiffs' appeal of its denial of their motion for a preliminary injunction. In the alternative, the Plaintiffs respectfully request that the Court issue a stay pending their application for a stay from the Tenth Circuit. They request the following relief:

1. An injunction pending appeal barring the Defendant from enforcing Defendants Grisham and Allen's amended October 6, 2023 public health emergency order's prohibition on the public carrying of firearms on the carrying of firearms in New Mexico public parks and playgrounds for 30 days, and Executive Order 2023-135's enforcement provision of the same;

The undersigned request that, if the Court holds a hearing on any portion of this motion, it hold the hearing telephonically to spare Attorney Atkinson the difficulty of finding a flight and traveling across the country on less than 24 hours' notice.

The Plaintiffs,

By: /s/ Cameron L. Atkinson /s/
Cameron L. Atkinson, Esq.
admitted pro hac vice
ATKINSON LAW, LLC
122 Litchfield Rd., Ste. 2
P.O. Box 340
Harwinton, CT 06791
Telephone: 203.677.0782
Email: catkinson@atkinsonlawfirm.com

/s/ Jeremy M. Gay
Jeremy M. Gay
Advocate Law Center, P.A.
821 S. Ford Dr.
Gallup, New Mexico 87301
(505) 722-2055
Jeremy@alcpafirm.com

CERTIFICATION OF SERVICE

Counsel for Defendants Grisham, Allen, Bowie, and Weisler have appeared in this matter. They have been served copies of this filing by the Court's CM/ECF filing system at the time of filing. Defendant Medina has not appeared and the undersigned will serve this filing by electronic mail:

Holly Agajanian, Esq.
Chief General Counsel – Office of Governor Michelle Grisham
For Defendants Grisham, Allen, Bowie, and Weisler
State Capitol Building, Ste. 400
Santa Fe, NM 87501
Holly.agajanian@exec.nm.gov

Lauren Keefe, Esq.
City Attorney – City of Albuquerque
For Defendant Medina
One Civic Plaza NW
4th Floor, Room 4072
Albuquerque, NM 87102
lkeefe@cabq.gov

/s/ Cameron L. Atkinson /s/